



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/626,820	07/27/2000	Hiroteru Tsuchiya	00544/LH	9602

1933 7590 07/08/2004

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
767 THIRD AVENUE
25TH FLOOR
NEW YORK, NY 10017-2023

EXAMINER

LEZAK, ARRIENNE M

ART UNIT	PAPER NUMBER
----------	--------------

2143

//

DATE MAILED: 07/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/626,820

Applicant(s)

TSUCHIYA, HIROTERU

Examiner

Arrienne M. Lezak

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,6,7,10,15 and 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,6,7,10,15 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 26 April 2004 has been entered.
2. Examiner notes that Claims 1, 6, 7, 10, 15 & 16 have been amended and Claims 2-5, 8, 9, 11-14, 17 & 18 have been canceled.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 1, 6, 7, 10, 15 & 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,822,535 to Takase in view of US Patent 5,787,252 to Schettler.
5. Regarding Claims 1, 6, 7, 10, 15 & 16, Takase discloses a management object process unit comprising a control processing section for performing a control of selectively collecting a plurality of management objects from a managed device; and a

Art Unit: 2143

memory section for storing the management objects collected from said managed device; wherein said control processing section includes a object managing section, having items of classification data for classifying the plurality of management objects respectively, and for collecting those of the management objects in advance which are classified to a specific type by the classification data to store in said memory section, (Col. 1 and 2 – Takase ('535)), (as required by Claims 1, 6, 7, 10, 15 & 16 in the pending application).

6. Takase ('535) does not disclose or describe a management object process unit with an object managing section capable for checking, at a time of receiving an object collection request, the classification data for a management object requested by the object collection request, for retrieving the management object confirmed by a check result as being of the specific type from said memory section to transmit the retrieved management object, and for collecting the management object confirmed by the check result as being of a type other than the specific type from said managed device to transmit the collected management object, (as further required by Claim 1, 6, 7, 10, 15 & 16 in the pending application).

7. Moreover, Takase ('535) does not specifically enumerate the initial collection, storage, and update of a specific type of management object, (such as ones requiring a short collection time, a high access frequency, and/or a high value change frequency). Takase also does not incorporate the use of response processing rules as determined by classification data.

8. Schettler ('252) describes a filtering system and method for high performance network management, (Abstract), with an object managing section capable for checking, at a time of receiving an object collection request, the classification data for a management object requested by the object collection request, for retrieving the management object confirmed by a check result as being of the specific type from said memory section to transmit the retrieved management object, and for collecting the management object confirmed by the check result as being of a type other than the specific type from said managed device to transmit the collected management object, (Col.2, lines 20-67; Col.3, lines 1-21; Col. 6, lines 33-67; Col. 7, lines 1-35; Col. 20, lines 32-67; and Col. 21, lines 1-38). Moreover, Schettler obviously describes an efficient use of specific type attributes, via object type, by classification based on a definition derived from topology management information, (Col. 6, lines 33-67 and Col. 7, lines 1-35).

9. To incorporate the filtering element and the use of a specific type priority management object standard from Schettler into the object managing section of Takase would have been obvious to one of ordinary skill in the art at the time of invention by applicant since an intelligent selective distribution element capable of determining and employing proper substitution and filtration is an obvious necessity within a management object process unit. Further, it would have been obvious within the Schettler filtration system to efficiently manage a stored attribute class, which implies the ability to delineate and substitute among objects with specific type attributes in a given class as needed. The motivation to substitute this element of Schettler into the

Takase unit is suggested within Takase itself. As noted above, the very nature of a network management and data collection system requires both collection and distribution functionalities. Moreover, as noted within Schettler, a filtration system has the advantage of being capable of minimizing interprocess communication in a network management setting, (Col. 3, lines 7-10).

10. Takase specifically enumerates a collection functionality, however, the filtration/distribution functionality is not similarly defined therein. Schettler, (also a network management unit), further enumerates a method for efficient cache management by current specific type priority amendable object/attribute classification, (Col. 6, lines 39-48), which, when incorporated by a person having ordinary skill in the art into the Takase unit, would exemplify a system with defined functionalities for collection and distribution. Examiner further observes, (per paragraph 14 noted herein below), that those attributes of collection time, access frequency, value change frequency and the use of response processing rules based on classification data, (specifically enumerated within the pending claims), would have been inclusively and necessarily part of the attributes individually and collectively as generally described within both Takase and Schettler.

11. Therefore, Claims 1, 6, 7, 10, 15 & 16 are unpatentable over the combined teachings of Takase in view of Schettler.

Response to Arguments

12. Applicant's arguments filed 26 April 2004, have been fully considered but they are not persuasive. Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

13. Examiner notes that Applicant has enumerated three types of object attributes, (collection time, access frequency and value change frequency), to be applied alone or in combination for purposes of filtration. As Schettler discloses a topology database which stores topology data based upon objects and a filtering/partitioning system which maintains a filtering library for applying to topology data, Schettler in view of Takase renders Applicant's claims obvious.

14. More specifically, Applicant claims delineation by a collection time shorter than a referenced collection time, which delineation is obvious in light of the fact that the collection of less objects takes less time. Applicant further adds the attribute of an access frequency higher than the referenced access frequency, which attribute again is obvious in light of the fact that partitioning provides inherently for less data transfer, thus more accesses. Regarding number of accesses, Examiner observes: partitioning causes data to be retrieved from management objects only in a single partition; and in order to retrieve data from ALL management objects, there must be at least one access

per partition; thus, the frequency/number of accesses must necessarily be higher than the referenced access frequency by a factor of the number of partitions.

15. Further, as partitioning creates greater access frequency, access scheduling becomes inherently necessary. Regarding frequency of accesses, Examiner further observes: without partitioning, a single access retrieves data from all management objects within a given time frame; however partitioning, as noted above, causes additional accesses in order to retrieve all management objects; thus, in order to retrieve data from all management objects with partitioning, within the same time frame, requires proportionally more frequent scheduling of accesses.

16. Finally, Applicant adds the attribute of a value change frequency higher than the referenced value change frequency, which attribute again is obvious, as partitioning requires that groups be divided, grouped sampled more frequently in the most efficient way possible, for purposes of overdriving a network to capacity. Regarding value change frequency of objects, Examiner additionally observes: partitioning causes each individual access to require less network resources than a single monolithic access; and in order to more efficiently use unused network resources, the frequency of accesses and/or the number of partitions polled per access may be increased; thus, partitioning necessarily enables a higher value change frequency i.e. management object attributes may change more often, but partitioning enables sampling said management object attributes more frequently,

17. Therefore, Examiner finds that any combination of object attributes are obvious in light of the combined teachings of Takase in view of Schettler, including Applicant's

Art Unit: 2143

specifically enumerated object attributes, as noted herein above. Thus, Claims 1, 6, 7, 10, 15 & 16, as amended are further rejected.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arrienne M. Lezak whose telephone number is (703)-305-0717. The examiner can normally be reached on M-F 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (703)-308-5221. The fax phone number for the organization where this application or proceeding is assigned is (703)-305-3718.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-6121.

Arrienne M. Lezak
Examiner
Art Unit 2143

AML


DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100